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For Sr. Adv. Gopal Subramaniam

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

I.A No. .... OF 2015

IN

WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF:

JUSTICE K.S PUTTASWAMY (RETD.).

& ANR

... Petitioners

VERSUS

UNION OF INDIA & ORS.

... Respondents

AND IN THE MATTER OF:

Unique Identification Authority of India (UIDAI)  
Department of Electronics & Information Technology  
Government of India  
3rd Floor, Tower- II, Jeevan Bharti Building,  
Connaught Circus  
New Delhi - 110001

Applicant

APPLICATION FOR MODIFICATION / CLARIFICATION OF INTERIM  
ORDER DATED 11-08-2015

PAPER-BOOK

(FOR INDEX, PLEASE SEE INSIDE)

ADVOCATE FOR THE RESPONDENTS : MANISH VASHISHTHA

Tell

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APPLICATION FOR CLARIFICATION/MODIFICATION OF INTERIM ORDER

DATED 11.08.2015

To:

The Hon'ble Chief Justice of India and

his companion Justices of the Supreme Court of India

The humble application of the Applicant  
above named

MOST RESPECTFULLY SHOWETH:-

1. That the Applicant herein is Respondent No. 3 in the abovementioned Writ Petition (Civil) 494 of 2012.
2. That Writ Petition (Civil) No. 494 of 2012 (Justice K Puttaswamy (Retd) v Union of India) and the connected cases have been filled challenging the constitutionality and legality of the "Aadhaar Card Scheme" on various counts.
3. The present Application is seeking a modification/clarification of its interim order dated 11.08.2015 ("impugned order"), the relevant portion of which is extracted hereinbelow:-

"Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner:-

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be a condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The

Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;

4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation."

[Copy of the order dated 11.08.2015 is marked and attached as **Annexure-R/1**](Page 23 - 38)

4. The present Applicant is seeking a modification/clarification of only Paragraph 3 of the impugned order. The clarification/modification being sought is to allow the Aadhaar number/card to be used not only for the PDS Scheme or the LPG Distribution Scheme, but also for other social benefit schemes or services of the Government of India and like services based on resident consent to enable those who are enrolling/enrolled on a voluntary basis to avail of the services and benefits linked with Aadhaar, or continue using the same. This implies that when a resident who is enrolled for Aadhaar wants to avail of any Aadhaar-linked service, he should have the option of providing his biometrics, asking the UIDAI to authenticate his identity. If authenticated, he can instantaneously access the said service, thereby saving time and the need for providing other identity proof, which he may or may not have.
5. The operation of the impugned order has resulted in considerable hardship being faced by the residents of the country in accessing

services and benefits being provided by the Government of India and like services which serve several vital purposes viz., financial inclusion, economic development and access to efficient governance. At the same time it has also brought to a stop the process of streamlining several government databases which has been undertaken to reduce corruption, cut out middlemen and deliver services efficiently to the people of India in a time-bound manner.

6. It is humbly submitted that the Aadhaar card/number is the most widely held form of identity document with the widest coverage amongst the residents/citizens. This is evident from the following table:

Identity Document	Coverage
Passport	5,70,35,943 <sup>1</sup>
Pan Card	17 Crore (Approx.) <sup>2</sup>
EPIC Card	60 Crore (Approx.) <sup>3</sup>
Ration Card	15.17 Crore (Approx.) <sup>4</sup>
Driving License	17.37 Crore (Approx) <sup>5</sup>
Aadhaar	91.68 crore

<sup>1</sup> Source : Annual Report 2014-15, Ministry of External Affairs, Government of India.  
<sup>2</sup> Source : Tax Administration Reforms Commission Report November, 2014.  
<sup>3</sup> Source: Election Commission of India website (state wise electoral rolls).  
<sup>4</sup> Source: Foodgrains Bulletin, July 2015, Department of Food and Public Distribution, Government of India (data for 24 States/ UTs).  
<sup>5</sup> Source Road Transport Year Book 2011-12, Table 4.3 (Page 78) [excluding data for the states/UTs of Bihar, Arunachal Pradesh, Jharkhand, Punjab, West Bengal, A&N Islands, Chandigarh and Dadra Nagar Haveli for which figures are not reported]

7. Since Point 3 of the impugned order prohibits the use of Aadhaar for any purpose apart from distribution of food-grains and kerosene in the PDS Scheme as well as LPG distribution, crores of residents of India are denied the use of a basic form of identity for all other purposes, even if they choose to do so voluntarily. Given that the Aadhaar number/ card is the most widely held identity document, this causes serious hardship to such residents, for many of whom it is the only identity proof that they possess. A non-exhaustive description of such crucial purposes is provided below:

8. There are several schemes of the Government of India where the Aadhaar number is used on a purely voluntary basis in order to access basic services and benefits that would either have been unavailable or difficult to access otherwise.

**a. Mahatma Gandhi National Rural Employment  
Guarantee Scheme (MGNREGS):**

9. The MGNREGS pursuant to the MGNREG Act, 2005 assures livelihood security to the rural poor by guaranteeing a minimum of 100 days of wage employment annually to every household whose adult members volunteer to do manual unskilled work. There are 9.16 crore active workers registered in the MGNREGS. Of these, 3.16 crore have bank accounts and job cards linked with their Aadhaar number. Using these, 1.09 crore payment transactions transferring wages have been already remitted. The process is seamless and involves



more than 87,000 banking correspondents (of banks/ India Post) who go from village-to-village/ neighbourhood-to-neighbourhood with micro-ATM devices. Those who are entitled to receive MGNREGS wages and have Aadhaar-linked bank accounts can authenticate their identity at their doorstep/ neighbourhood. This ensures that amounts are credited to their bank accounts immediately, allowing them to withdraw money with ease thereby furthering the end of financial inclusion. This saves them the trouble of going to the nearest bank, often at distances in excess of 40 km, thereby saving loss of a day's wages. Further it prevents instances of "ghost" intermediaries, i.e. fake beneficiaries from claiming wages that rightfully belong to genuine workers. Figures indicate that over 80 lakh MGNREGS workers were withdrawing their wages using Aadhaar biometric authentication every month at their doorstep/neighbourhood without middlemen and any delay. The impugned order does not permit this usage any longer causing tremendous difficulty to such residents who at the cost of back-breaking travel and loss of wages have to go to their bank branches to receive their daily wage. Therefore, it is the right to livelihood of millions of Indians, which is facilitated by Aadhaar and ought to be allowed at par with the permitted uses.

**b. National Social Assistance Programme (Old Age Pensions, Widow Pensions, Disability Pensions)**

10. In the aforementioned pension schemes of the Government of India, of over 2.55 crore beneficiaries, about 54 lakh have their pension accounts linked with Aadhaar. Using such facility, over 64 lakh payment transactions have been made and over Rs 507 crore electronically remitted directly to beneficiary's Aadhaar linked savings accounts. This is done again by more than 87,000 banking correspondents (of banks/ India Post) who go from village-to-village/ neighbourhood-to-neighbourhood with micro-ATM devices. Those who are entitled to receive such pensions and have Aadhaar-linked bank accounts can authenticate their identity at their doorstep/ neighbourhood. This saves old-age pensioners, widows and the disabled the trouble of going to their bank branch to receive their pensions which is onerous particularly in far-flung rural areas. Nearly 25 lakh beneficiaries are using online biometric authentication of Aadhaar to withdraw their pension every month at their doorstep/ neighbourhood. The impugned order does not permit this usage.

**c. Prime Minister's Jan Dhan Yojana (PMJDY)**

11. The PMJDY is a scheme for financial inclusion of the marginalised sections of society who do not have access to formal credit. The scheme permits the opening of zero-balance bank accounts and dispenses with the requirement of onerous documentation required for account opening. Over 17.29 crore

accounts have been opened under PMJDY. Of these over 7.01 crore individuals have presented Aadhaar as identity proof to open the accounts and link Aadhaar to their PMJDY accounts. Since PMJDY is directed primarily at BPL families and those who are financially excluded, the Aadhaar number is crucial for accessing benefits via the bank account for several social benefits and government schemes. Pertinently, three pension schemes of the Government of India, the Atal Pension Yojana (APY), the PM Suraksha Bima Yojana (PMSBY) and the PM Jeevan Jyoti Bima Yojana (PMJJBY) are in design, linked with PMJDY accounts. These schemes provide wide insurance coverage with small premiums thereby furthering the goal of financial inclusion. As an illustrative example, for PMSBY, paying a premium of Rs. 12 per annum, the insured is entitled to coverage for Rs. 2 lakh. When the Aadhaar number is linked, the claim amounts can be directly transferred to the bank accounts of the beneficiaries. This cuts out middlemen and ensures quicker transfer of funds at times of need to persons who otherwise would have no access to formal credit and insurance. The impugned order does not permit the usage of Aadhaar to open bank accounts under the PMJDY, even on a voluntary basis.

#### **d. Jeevan Pramaan (Life Certificate)**

12. At present, all pensioners, including ex-servicemen and those who might be immobile or challenged have to physically visit the

bank where their pension account has been opened annually to demonstrate that he/she is alive and therefore entitled to receive pension. This is an onerous affair as this proof cannot be given anywhere in India and requires senior citizens to travel, in most cases, to the particular branches where their pension accounts exist in the month of November, to continue to receive pensions, irrespective of where they reside at present. There are over 1.5 crore pensioners, with approximately 25 lakh from defence forces, 25 lakh from PSUs, and 50 lakh from States and UTs. The Jeevan Pramaan scheme dispenses with this requirement of personal appearance at the bank/ branch. Using Aadhaar, the pensioner can go to any bank/citizen service centre (CSC) in India which has the Jeevan Pramaan facility. This is widely available across India. At such centres, he/ she can use Aadhaar to authenticate that he/she is alive. Over 3.2 lakh retired people have already used Aadhaar Authentication to get Jeevan Pramaan certificate in a convenient manner and lakhs of people are expected to use this facility in November this year.

**e. Online OPD registration and appointment (AIIMS and other hospitals)**

13. This facility is available for booking OPD registration in 6 hospitals in India including AIIMS. Currently, patients from far-flung

areas have to come to particular hospitals, wait in queue for long hours, despite their ill-health, and attempt to obtain an OPD card and then to book an appointment. This facility allows users anywhere in the country to use their Aadhaar number to obtain a OPD card and even book an online appointment in the hospitals that use this facility. Over 56,000 appointments have been booked using this facility so far. This has saved persons, usually the sick and infirm, considerable time, as well as obviated the need to stand in long queues that has a deleterious effect on their already fragile health. This facility cannot be continued or extended owing to the operation of the impugned order.

**f. Employees' Provident Fund Organisation (EPFO)**

14. There are over 5.4 crore contributory members to the EPFO. Currently, when employees change companies, multiple PF accounts, which are not linked to each other, are created. It is onerous to withdraw money from these accounts as they may be situated in different locations, in several cities. Due to this, deposits in several PF accounts remain unclaimed as the process for withdrawal is time-consuming and inconvenient. The linkage of Aadhaar numbers with PF accounts provides employees with a lifelong Universal Access Number (UAN) which is a Unique Identifier. Using the UAN, employees can make a single application irrespective of location to the relevant authority for withdrawal. All PF accounts also have overarching linkage thereby making it easier for the person to

transfer money between accounts and withdraw money. This facilitates movement of persons for employment across India and access to PF funds with ease across locations. Currently, over 87 lakh persons have linked their Aadhaar to their UAN in order to avail these benefits.

15. It is humbly submitted that the impugned order restricting the use of Aadhaar only for the PDS Scheme and the LPG Distribution Scheme has deleterious effect on the aforementioned schemes and other services which use the Aadhaar platform for effective and efficient delivery of such schemes, strictly on the basis of resident's consent. The purpose of highlighting the aforementioned schemes or services is to demonstrate the widespread voluntary use of Aadhaar, the benefits that accrue to individuals, particularly to the poor and those without any other form of identity, and the hardship caused by the impugned order that prohibits such voluntary use.

[A copy of an exhaustive list of welfare schemes linked to Aadhaar are marked and attached as **Annexure R/2**] (Page 39 - 4a)

16. It is also humbly submitted that this Hon'ble Court while allowing the use of Aadhaar for PDS and LPG schemes was conscious of the important underlying rights therein which Aadhaar sought to facilitate, viz. the right to food which is contained in Article 21 of the Constitution. However, it is humbly submitted that apart from the

PDS and LPG schemes, the schemes and facilities aforementioned, viz. MGNREGS, pension schemes, disability pensions, EPFO which are Aadhaar-linked, equally allow access to rights contained in Article 21 of the Constitution itself. The right to work, right to receive old age pension or disability pension cannot be considered in anyway to be inferior to the right to food since often the former is an enabler of the latter right and are all found within the content of Article 21 of the Constitution. Therefore, if this Hon'ble Court could allow the Government to implement the PDS and LPG Schemes through the Aadhaar platform, there is no reason why Aadhaar should not be allowed for these other equally important schemes on a purely voluntary basis.

17. It is humbly submitted that there is a legitimate state interest in ensuring that the various benefits, subsidies and services being offered by the State should reach the intended beneficiary and not to fakes and duplicates, which proliferate in the system leading to loss of thousands of crores of rupees of public money. The uniqueness of Aadhaar helps in elimination of duplicates and fakes from any beneficiary database leading to immense savings through reduction of leakages and wastages. In a recent article in the New York Times, Siddharth George and Arvind Subramanian write,

"The Indian government subsidizes households' purchases of cooking gas; these subsidies amounted to about \$8 billion last

year. Until recently, subsidies were provided by selling cylinders to beneficiaries at below-market prices. Now, prices have been deregulated, and the subsidy is delivered by depositing cash directly into beneficiaries' bank accounts, which are linked to cellphones, so that only eligible beneficiaries — not "ghost" intermediaries — receive transfers.

Under the previous arrangement, the large gap between subsidized and unsubsidized prices created a thriving black market, where distributors diverted subsidized gas away from households to businesses for a premium. In new research with Prabhat Barnwal, an economist at Columbia University, we find that cash transfers reduced these "leakages," resulting in estimated fiscal savings of about \$2 billion.<sup>6</sup>

18. An illustration of the impact of Aadhaar is evident from the streamlining of the MGNREG scheme database. For instance, the linking of the Aadhaar number in the MGNREG scheme database has been done in the states of Andhra Pradesh and Telangana. The seeding has resulted in a large number of ghost workers being deleted from the database. This has resulted in a saving of an estimated minimum of Rs. 127 Crores in the aforementioned states and ensures that the money reaches its intended beneficiary, i.e. the

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<sup>6</sup> Siddharth George and Arvind Subramanian, "Transforming the Fight against Poverty in India" *The New York Times*, July 22, 2015.



MGNREG scheme worker. A detailed table below shows the type of bogus workers who were enrolled in the MGNREG scheme database collected from respective State Governments:

Type of Bogus workers	AP	Telangana	Total
Dead person	155179	118754	2,73,933
Name exists in other job card	67569	23210	90,779
Migrated (not present in village)	588086	221189	8,09,275
Double Job Card	62060	42677	1,04,737
Total 'bogus' database	872894	405830	12,78,724
Total workers	20416000	15490000	3,59,06,000

19. Similarly in a study conducted in 2 districts of West Bengal, it was found that the percentage of bogus workers has been estimated at around 15% of the total number of workers who are reported to have worked.
20. The benefits accrued from seeding of beneficiaries' Aadhaar number into the database of various social welfare schemes has resulted in huge savings for the Government of India and elimination of duplicates from the system. A tabular chart below is illustrative of the savings on account of the Aadhaar Scheme collected from respective State Governments:

State	No. of beneficiaries	% of beneficiaries seeded	Duplicates detected	Estimated benefits accrued
Scholarships				
Andhra Pradesh	4.44 lakhs	98%	30,380	Rs.126 Cr
Telangana	5.34 lakhs	99%	36,960	Rs.150 Cr
Punjab	2.72 lakhs	50%	1,618	Rs.0.72 Cr
PDS				
Andhra Pradesh	478.34 lakhs	59%	69 lakh beneficiaries	Rs. 1275 Cr
Telangana	308.31 lakhs	65%	4,305,805	Rs. 953 Cr
Puducherry	12.85 Lakhs	41%	27000 ration cards	Rs. 17.78 Cr
Delhi	72.50 lakhs	83%	80000 ration cards	Rs. 100 Cr
Pensions				
Jharkhand	8.21 lakhs	59%	1,27,860	Rs.63.90 Cr
Chandigarh	0.06 lakhs	99%	1,877	Rs.1.74 Cr
Puducherry	1.35 lakhs	54%	2,200`	Rs. 0.03 Cr
TOTAL				<u>Rs.2687.07</u> <u>CRORE</u>

21. It is humbly submitted that the saving of such a significant amount of public money, when combined with the benefits that accrue to residents by using Aadhaar number provides sufficient basis for this Hon'ble Court to clarify/ modify its interim order dated 11.08.2015 allowing the use of Aadhaar, strictly on the basis of resident consent.

22. Such order will be in keeping with earlier orders of this Hon'ble Court, by which it has always maintained that Aadhaar and its associated services/benefits can only be used on a voluntary basis without making it mandatory or compulsory and that no one should be denied of any benefits or services for want of the Aadhaar Card. Therefore, this Hon'ble Court has always underlined the principle of consent and voluntariness respecting individual choice and autonomy while balancing the interests of the petitioners as well as those teeming crores of citizens and residents of India who have voluntarily sought for the Aadhaar card/number for easy and convenient availability of a host of social services and benefits, discussed earlier. There is no reason of law or convenience that warrants a departure from this position. This is evident from the interim orders passed from time to time.

23. This Hon'ble Court in its order dated 23.09.2013 was pleased to direct as follows:-

"In the meanwhile, no person should suffer for not getting the Aadhaar card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

[Copy of the interim order dated 23.09.2013 is marked and attached as **Annexure-R/3**] (Page 43-44)

24. Similarly, this Hon'ble Court while reiterating the earlier directions passed the order dated 16.03.2015 in the following terms:-

" . . . Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23rd September, 2013. "

[Copy of the interim order dated 16.03.2015 is marked and attached as **Annexure-R/4**] (Page 45-50)

25. Again, this Hon'ble Court in a Special Leave Petition filed by the UIDAI against the High Court of Bombay at Panaji in its order dated 24.03.2014 in SLP(Crl.) No. 2524 of 2014 reiterated that the use of Aadhaar shall be purely consent based and not compulsory. The operative portion of the order dated 24.03.2014 is as follows:-

"In the meanwhile, the present petitioner is restrained from transferring any biometric information of any person who has been allotted the Aadhaar number to any other agency without his **consent** in writing.

More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled.

All the authorities are directed to modify their

forms/circulars/likes so as to **not compulsorily require the Aadhaar number** in order to meet the requirement of the interim order passed by this Court forthwith."

[Copy of the interim order dated 24.03.2014 is marked and attached as **Annexure- R/5**] (Page 51-52)

26. In the interim order dated 11.08.2015, in spite of the Petitioner's plea, this Hon'ble Court did not stop the process of enrolment of residents into Aadhaar on a voluntary basis. The same principle ought to be extended to use of Aadhaar for social welfare schemes and services as well. This proposition simply involves giving an individual the option of using an Aadhaar-linked service in order to authenticate his/ her identity. The identity of the individual having been duly authenticated the service provider can proceed to provide the said service. Thus in relevant part, giving an individual such an option is analogous to permitting an individual to access and use his/ her own information as he/ she chooses.

27. Further, there is no credible apprehension of breach of privacy if this were to be permitted. In light of the submission of the Ld. Attorney General for India that no biometric information of the Aadhaar card holder is shared, the Court noted,

"The learned Attorney General stated that the respondents do not share any personal information of an Aadhaar card holder

through biometrics or otherwise with any other person or authority. This statement allays the apprehension for now, that there is a widespread breach of privacy of those to whom an Aadhaar card has been issued."

28. On this basis it is humbly submitted that there is no likelihood of any injury, irreparable or otherwise, to be caused to the public if this Hon'ble Court allows the use of Aadhaar number/card on a voluntary basis for any social benefit scheme or service. On the contrary, the balance of convenience lies in enabling the use of Aadhaar for crores of residents, particularly the poor, to exercise their rights and receive their benefits, and the State to reduce public expenditure by efficient targeting of such benefits.

29. The Aadhaar programme provides developmental benefits to large sections of society, specifically the financially excluded, pensioners, marginalised and deprived strata. It not only makes routine tasks such as withdrawing money from bank accounts convenient for such persons, but is often also the only identity proof available to them to access basic services. In essence it involves millions of individuals consenting to a more convenient and secure method of accessing state subsidies and largesse which over the years has, in large measure, not reached them as intended, benefited ghost claimants and been siphoned off by a range of middlemen. In this entirely consensual process of accessing state largesse, the

question of their right to privacy being affected or violated in any way does not arise.

PRAYER

30. In light of the above legal and factual submissions, it is, therefore, prayed that this Hon'ble Court may be pleased to clarify or modify its order dated 11.08.2015 to allow the Aadhaar number/card to be used not only for the PDS Scheme and LPG Distribution Scheme but also for any social benefit scheme or service of the Government of India, State Governments or like services based on resident consent to enable those who are enrolled/enrolling on a voluntary basis to avail of the services and benefits of Aadhaar, as outlined above and pass such other and further orders as this Hon'ble Court may deem fit and proper.

Drawn by

Filed by

ZOHEB HOSSAIN

Mr. Manish Vashishtha

Advocate

Advocate for the Applicant

Filed on:- 23.09.2015  
New Delhi

## IN THE SUPREME COURT OF INDIA

## CIVIL ORIGINAL JURISDICTION

I.A No. .... OF 2015

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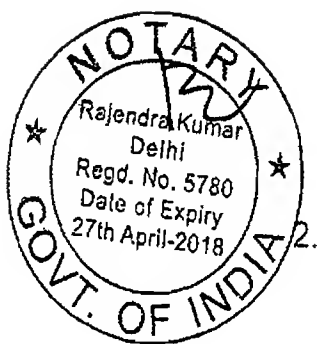
IN THE MATTER OF :

Unique Identification Authority of India (UIDAI) ....Applicant

AFFIDAVIT

I, REENA SAHA, D/o Late KK Saha, aged about 48 years, resident of A-201, Ashiana Upvan, Indirapuram, Ghaziabad - 201014, do hereby solemnly affirm and state as under :-

1. That I am working as the Assistant Director General of UIDAI and therefore, I am conversant with the facts and circumstances of the case. As such I am competent to swear this affidavit.



2. That I have read contents of paras 1 to 30 in page Nos. 1 to 20 of the Present Application and have understood



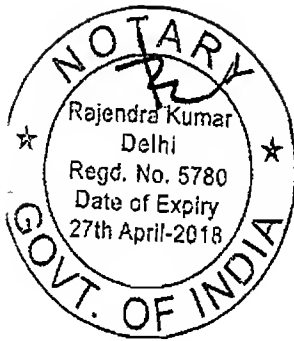
the same. I state that the facts stated in the Present Application are true based on the records maintained by the Applicant.

3. That the Annexures filed alongwith the present Application are the true copies of their respective originals.

### VERIFICATION:

I, the deponent abovenamed, do hereby verify that the contents of paras 1 to 3 of my above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this the 23<sup>rd</sup> day of September, 2015.



*Reena Saaha*  
रीना साहा / REENA SAHA  
सहायक महानिदेशक / Assistant Director General  
भारतीय विशिष्ट पहचान प्राधिकरण  
Unique Identification Authority of India  
ब्लॉक ३, डीएम कार्ड बिल्डिंग / Planning Commission, Jagan Bhaskar Building,  
कॉन्वर्ट प्लेस, नई दिल्ली-110001 / Connaught Place, New Delhi-110001

*Reena Saaha*  
DEPONENT

रीना साहा / REENA SAHA  
सहायक महानिदेशक / Assistant Director General  
भारतीय विशिष्ट पहचान प्राधिकरण  
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ATTESTED

*Rajendra Kumar*  
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NOTARY, DELHI-R-8780 98899446209  
GOVERNMENT OF INDIA  
SUPREME COURT OF INDIA  
COMPOUND, NEW DELHI  
Register PH/DEL/110001

23.09.2015

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE  
DEPONENT EXECUTANT WHO IS SEEMED PERFECT TO  
UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT  
DELHI ON 23.09.2015 IDENTIFIED BY  
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS  
SIGNED IN MY PRESENCE

CERTIFY THE EXECUTANT/  
DEPONENT WHO WAS  
SIGNED IN THE PRESENCE OF

**REPORTABLE**  
**IN THE SUPREME COURT OF INDIA**

**CIVIL ORIGINAL JURISDICTION**

**WRIT PETITION (CIVIL) NO.494 OF 2012**

Justice K.S. Puttaswamy (Retd.) & Another ... Petitioners

*Versus*

Union of India & Others ... Respondents

**WITH**

TRANSFERRED CASE (CIVIL) NO.151 OF 2013

TRANSFERRED CASE (CIVIL) NO.152 OF 2013

WRIT PETITION (CIVIL) NO.829 OF 2013

WRIT PETITION (CIVIL) NO.833 OF 2013

WRIT PETITION (CIVIL) NO.932 OF 2013

TRANSFER PETITION (CIVIL) NO.312 OF 2014

TRANSFER PETITION (CIVIL) NO.313 OF 2014

WRIT PETITION (CIVIL) NO.37 OF 2015

WRIT PETITION (CIVIL) NO.220 OF 2015

TRANSFER PETITION (CIVIL) NO.921 OF 2015

CONTEMPT PETITION (CIVIL) NO.144 OF 2014 IN WP(C) 494/2012

CONTEMPT PETITION (CIVIL) NO.470 OF 2015 IN WP(C) 494/2012

**ORDER**

1. In this batch of matters, a scheme propounded by the Government of India popularly known as "Aadhaar Card Scheme" is

under attack on various counts. For the purpose of this order, it is

Signature invalid  
Digitally signed by  
Deputy Registrar  
Date: 2016.11.17  
Reason:

It is necessary for us to go into the details of the nature of the scheme

and the various counts on which the scheme is attacked. Suffice it to say that under the said scheme the Government of India is collecting and compiling both the demographic and biometric data of the residents of this country to be used for various purposes, the details of which are not relevant at present.

2. One of the grounds of attack on the scheme is that the very collection of such biometric data is violative of the "right to privacy". Some of the petitioners assert that the right to privacy is implied under Article 21 of the Constitution of India while other petitioners assert that such a right emanates not only from Article 21 but also from various other articles embodying the fundamental rights guaranteed under Part-III of the Constitution of India.

3. When the matter was taken up for hearing, Shri Mukul Rohatgi, learned Attorney General made a submission that in view of the judgments of this Court in ***M.P. Sharma & Others v. Satish Chandra & Others***, AIR 1954 SC 300 and ***Kharak Singh v. State of U.P. & Others***, AIR 1963 SC 1295, (decided by *Eight* and *Six* Judges respectively) the legal position regarding the existence of the fundamental right to privacy is doubtful. Further, the learned Attorney General also submitted that in a catena of decisions of this Court rendered subsequently, this Court referred to "right to privacy", contrary to the judgments in the abovementioned cases which resulted

in a jurisprudentially impermissible divergence of judicial opinions.

"A power of search and seizure is in any system of jurisprudence an overriding power of the State for the protection of social security and that power is necessarily regulated by law. When the Constitution makers have thought fit not to subject such regulation to constitutional limitations **by recognition of a fundamental right to privacy**, analogous to the American Fourth Amendment, **we have no justification to import it, into a totally different fundamental right, by some process of strained construction.** [See: M.P. Singh & Others v. Satish Chandra & Others, AIR 1954 SC 300, page 306 para 18]

"... Nor do we consider that Art. 21 has any relevance in the context as was sought to be suggested by learned counsel for the petitioner. As already pointed out, **the right of privacy is not a guaranteed right under our Constitution** and therefore the attempt to ascertain the movement of an individual which is merely a manner in which privacy is invaded is not an infringement of a fundamental right guaranteed by Part III." [See: Kharak Singh v. State of U.P. & Others, AIR 1963 SC 1295, page 1303 para 20]

[Emphasis supplied]

4. Learned Attorney General submitted that such impermissible divergence of opinion commenced with the judgment of this Court in **Gobind v. State of M.P. & Another**, (1975) 2 SCC 148, which formed the basis for the subsequent decision of this Court wherein the "right to privacy" is asserted or at least referred to. The most important of such cases are **R. Rajagopal & Another v. State of Tamil Nadu & Others**, (1994) 6 SCC 632 (popularly known as *Auto Shanker's* case) and **People's Union for Civil Liberties (PUCL) v. Union of India & Another**, (1997) 1 SCC 301.
5. All the judgments referred to above were rendered by smaller Benches of two or three Judges.
6. Shri K.K. Venugopal, learned senior counsel appearing for one of

the respondents submitted that the decision of this Court in **Gobind** (*supra*) is not consistent with the decisions of this Court in **M.P. Sharma** and **Kharak Singh**. He submitted that such divergence is also noticed by the academicians, Shri F.S. Nariman, Senior Advocate of this Court and Shri A.M. Bhattacharjee<sup>1</sup>, Former Chief Justice, High Court at Calcutta and High Court at Bombay.

7. Therefore, it is submitted by the learned Attorney General and Shri Venugopal that to settle the legal position, this batch of matters is required to be heard by a larger Bench of this Court as these matters throw up for debate important questions – (i) whether there is any “right to privacy” guaranteed under our Constitution. (ii) If such a right exists, what is the source and what are the contours of such a right as there is no express provision in the Constitution adumbrating the right to privacy. It is therefore submitted that these batch of matters are required to be heard and decided by a larger bench of at least five Judges in view of the mandate contained under Article 145(3)<sup>2</sup> of the Constitution of India.

<sup>1</sup>

A.M. Bhattacharjee, *Equality, Liberty & Property under the Constitution of India*, (Eastern Law House, New Delhi, 1997)

<sup>2</sup> Article 145(3). The minimum number of Judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under Article 143 shall be five:  
Provided that, where the Court hearing an appeal under any of the provisions of this chapter other than Article 132 consists of less than five Judges and in the course of the hearing of the appeal the Court is satisfied that the appeal involves a substantial question of law as to the interpretation of this Constitution the determination of which is

8. On behalf of the petitioners Shri Gopal Subramaniam and Shri Shyam Divan, learned senior counsel very vehemently opposed the suggestion that this batch of matters is required to be heard by a larger bench. According to them:

- (i) The conclusions recorded by this Court in **R. Rajagopal** and **PUCL** are legally tenable for the reason that the observations made in **M.P. Sharma** regarding the absence of right to privacy under our Constitution are not part of ratio decidendi of that case and, therefore, do not bind the subsequent smaller Benches.
- (ii) Coming to the case of **Kharak Singh**, majority in **Kharak Singh** did hold that the right of a person not to be disturbed at his residence by the State and its officers is recognized to be a part of a fundamental right guaranteed under Article 21 which is nothing but an aspect of privacy. The observation in para 20 of the majority judgment at best can be construed only to mean that there is no fundamental right of privacy against the State's authority to keep surveillance on the activities of a person. Even such a conclusion cannot be good law any more in view of the express declaration made by a seven-Judge bench decision of this Court in **Maneka Gandhi v. Union of India & Another**, (1978) 1 SCC 248<sup>3</sup>.

necessary for the disposal of the appeal, such Court shall refer the question for opinion to a Court constituted as required by this clause for the purpose of deciding any case involving such a question and shall on receipt of the opinion dispose of the appeal in conformity with such opinion

<sup>3</sup> Para 5. .. It was in **Kharak Singh v. State of U.P.**, AIR 1963 SC 1295 that the question as to the proper scope and meaning of the expression 'personal liberty' came up pointedly for consideration for the first time before this Court. The

(iii) They further argued that both **M.P. Sharma** (*supra*) and **Kharak Singh** (*supra*) came to be decided on an interpretation of the Constitution based on the principles expounded in **A.K. Gopalan v. State of Madras**, AIR 1950 SC 27. Such principles propounded by **A.K. Gopalan** themselves came to be declared wrong by a larger Bench of this Court in **Rustom Cavasjee Cooper v. Union of India**, (1970) 1 SCC 248. Therefore, there is no need for the instant batch of matters to be heard by a larger Bench.

9. It is true that **Gobind** (*supra*) did not make a clear declaration that there is a right to privacy flowing from any of the fundamental rights guaranteed under Part-III of the Constitution of India, but observed that "Therefore, even assuming that the right to personal liberty, the right to move freely throughout the territory of India and the freedom of speech create an independent right of privacy as an emanation from them which one can characterize as a fundamental right, we do not think that the right is absolute".

This Court proceeded to decide the case on such basis.

10. However, the subsequent decisions in **R. Rajagopal** (*supra*) and

majority of the Judges took the view "that 'personal liberty' is used in the article as a compendious term to include within itself all the varieties of rights which go to make up the 'personal liberties' of man other than those dealt with in the several clauses of Article 19(1). In other words, while Article 19(1) deals with particular species or attributes, of that freedom, 'personal liberty' in Article 21 takes in and comprises the residue". The minority judges, however, disagreed with this view taken by the majority and explained their position in the following words: "No doubt the expression 'personal liberty' is a comprehensive one and the right to move freely is an attribute of personal liberty. It is said that the freedom to move freely is carved out of personal liberty and, therefore, the expression 'personal liberty' in Article 21 excludes that attribute. In our view, this is not a correct approach. Both are independent fundamental rights, though there is overlapping. There is no question of one being carved out of another. The fundamental right of life and personal liberty has many attributes and some of them are found in Article 19. If a person's fundamental right under Article 21 is infringed, the State can rely upon a law to sustain the action, but that cannot be a complete answer unless the said law satisfies the test laid down in Article 19(2) so far as the attributes covered by Article 19(1) are concerned". There can be no doubt that in view of the decision of this Court in **R. C. Cooper v. Union of India**, (1970) 2 SCC 298 the minority view must be regarded as correct and the majority view must be held to have been overruled.

*PUCL (supra)*, the Benches were more categorical in asserting the existence of "right to privacy". While *R. Rajagopal's case*<sup>4</sup> held that the "right to privacy" is implicit under Article 21 of the Constitution, *PUCL's case* held that the "right to privacy" insofar as it pertains to speech is part of fundamental rights under Articles 19(1)(a) and 21 of the Constitution<sup>5</sup>.

11. Elaborate submissions are made at the bar by the learned counsel for the petitioners to demonstrate that world over in all the countries where Anglo-Saxon jurisprudence is followed, 'privacy' is recognised as an important aspect of the liberty of human beings. It is further submitted that it is too late in the day for the Union of India to argue that the Constitution of India does not recognise privacy as an aspect of the liberty under Article 21 of the Constitution of India. At least to the extent that the right of a person to be secure in his house and not to be disturbed unreasonably by the State or its officers is

<sup>4</sup> Para 9. "Right to privacy is not enumerated as a fundamental right in our Constitution but has been inferred from Article 21."

<sup>5</sup> Para 18. "The right to privacy — by itself — has not been identified under the Constitution. As a concept it may be too broad and moralistic to define it judicially. Whether right to privacy can be claimed or has been infringed in a given case would depend on the facts of the said case. But the right to hold a telephone conversation in the privacy of one's home or office without interference can certainly be claimed as "right to privacy". Conversations on the telephone are often of an intimate and confidential character. Telephone conversation is a part of modern man's life. It is considered so important that more and more people are carrying mobile telephone instruments in their pockets. Telephone conversation is an important facet of a man's private life. Right to privacy would certainly include telephone conversation in the privacy of one's home or office. Telephone-tapping would, thus, infract Article 21 of the Constitution of India unless it is permitted under the procedure established by law."

19. Right to freedom of speech and expression is guaranteed under Article 19(1)(a) of the Constitution. This freedom means the right to express one's convictions and opinions freely by word of mouth, writing, printing, picture, or in any other manner. When a person is talking on telephone, he is exercising his right to freedom of speech and expression. Telephone-tapping unless it comes within the grounds of restrictions under Article 19(2) would infract Article 19(1)(a) of the Constitution."



expressly recognized and protected in **Kharak Singh** (*supra*) though the majority did not describe that aspect of the liberty as a right of privacy, it is nothing but the right of privacy.

12. We are of the opinion that the cases on hand raise far reaching questions of importance involving interpretation of the Constitution.

What is at stake is the amplitude of the fundamental rights including that precious and inalienable right under Article 21. If the observations made in **M.P. Sharma** (*supra*) and **Kharak Singh** (*supra*) are to be read literally and accepted as the law of this country, the fundamental rights guaranteed under the Constitution of India and more particularly right to liberty under Article 21 would be denuded of vigour and vitality. At the same time, we are also of the opinion that the institutional integrity and judicial discipline require that pronouncement made by larger Benches of this Court cannot be ignored by the smaller Benches without appropriately explaining the reasons for not following the pronouncements made by such larger Benches. With due respect to all the learned Judges who rendered the subsequent judgments - where right to privacy is asserted or referred to their Lordships concern for the liberty of human beings, we are of the humble opinion that there appears to be certain amount of apparent unresolved contradiction in the law declared by this Court.

13. Therefore, in our opinion to give a quietus to the kind of

controversy raised in this batch of cases once for all, it is better that the ratio decidendi of *M.P. Sharma* (*supra*) and *Kharak Singh* (*supra*) is scrutinized and the jurisprudential correctness of the subsequent decisions of this Court where the right to privacy is either asserted or referred be examined and authoritatively decided by a Bench of appropriate strength.

14. We, therefore, direct the Registry to place these matters before the Hon'ble the Chief Justice of India for appropriate orders.

.....J.  
(J. Chelameswar)

.....J.  
(S.A. Bobde)

.....J.  
(C. Nagappan)

New Delhi  
August 11, 2015

**IN THE SUPREME COURT OF INDIA**

**WRIT PETITION (CIVIL) NO.494 OF 2012**

## Versus

## ... Respondents

TRANSFERRED CASE (CIVIL) NO.151 OF 2013

TRANSFERRED CASE (CIVIL) NO.152 OF 2013

WRIT PETITION (CIVIL) NO.829 OF 2013

WRIT PETITION (CIVIL) NO.833 OF 2013

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**TRANSFER PETITION (CIVIL) NO.312 OF 2014**

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WRIT PETITION (CIVIL) NO.37 OF 2015

**WRIT PETITION (CIVIL) NO.220 OF 2015**

TRANSFER PETITION (CIVIL) NO.921 OF 2015

**CONTEMPT PETITION (CIVIL) NO.144 OF 2014 IN WP(C) 494/2012**

**CONTEMPT PETITION (CIVIL) NO.470 OF 2015 IN WP(C) 494/2012**

ORDER

Having regard to importance of the matter, it is desirable  
that the matter be heard at the earliest.

.....J.  
(J. Chelameswar)

.....J.  
(S.A. Bobde)

.....J.  
(C. Nagappan)

New Delhi  
August 11, 2015

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.494 OF 2012

Justice K.S. Puttaswamy (Retd.) &amp; Another ... Petitioners

Versus

Union of India &amp; Others ... Respondents

WITHTRANSFERRED CASE (CIVIL) NO.151 OF 2013TRANSFERRED CASE (CIVIL) NO.152 OF 2013WRIT PETITION (CIVIL) NO.829 OF 2013WRIT PETITION (CIVIL) NO.833 OF 2013WRIT PETITION (CIVIL) NO.932 OF 2013TRANSFER PETITION (CIVIL) NO.312 OF 2014TRANSFER PETITION (CIVIL) NO.313 OF 2014WRIT PETITION (CIVIL) NO.37 OF 2015WRIT PETITION (CIVIL) NO.220 OF 2015TRANSFER PETITION (CIVIL) NO.921 OF 2015CONTEMPT PETITION (CIVIL) NO.144 OF 2014 IN WP(C) 494/2012CONTEMPT PETITION (CIVIL) NO.470 OF 2015 IN WP(C) 494/2012INTERIM ORDER

After the matter was referred for decision by a larger Bench, the learned counsel for the petitioners prayed for further interim orders. The last interim order in force is the order of this Court dated 23.9.2013 which reads as follows:-

“ ....

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Aadhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

It was submitted by Shri Shyam Divan, learned counsel for the petitioners that the petitioners having pointed out a serious breach of privacy in their submissions, preceding the reference, this Court may grant an injunction restraining the authorities from proceeding further in the matter of obtaining biometrics etc. for an Aadhaar card. Shri Shyam Divan submitted that the biometric information of an individual can be circulated to other authorities or corporate bodies which, in turn can be used by them for commercial exploitation and, therefore, must be stopped.

The learned Attorney General pointed out, on the other hand, that this Court has at no point of time, even while making the interim order dated 23.9.2013 granted an injunction restraining the Unique Identification Authority of India from going ahead and obtaining biometric or other information from a citizen for the purpose of a Unique Identification Number, better known as "Aadhaar card". It was further submitted that the respondents have gone ahead with the project and have issued Aadhaar cards to

about 90% of the population. Also that a large amount of money has been spent by the Union Government on this project for issuing Aadhaar cards and that in the circumstances, none of the well-known considerations for grant of injunction are in favour of the petitioners.

The learned Attorney General stated that the respondents do not share any personal information of an Aadhaar card holder through biometrics or otherwise with any other person or authority. This statement allays the apprehension for now, that there is a widespread breach of privacy of those to whom an Aadhaar card has been issued. It was further contended on behalf of the petitioners that there still is breach of privacy. This is a matter which need not be gone into further at this stage.

The learned Attorney General has further submitted that the Aadhaar card is of great benefit since it ensures an effective implementation of several social benefit schemes of the Government like MGNREGA, the distribution of food, ration and kerosene through PDS system and grant of subsidies in the distribution of LPG. It was, therefore, submitted that restraining the respondents from issuing further Aadhaar cards or fully utilising the existing Aadhaar cards for the social schemes of the Government should be allowed.

The learned Attorney General further stated that the

respondent Union of India would ensure that Aadhaar cards would only be issued on a consensual basis after informing the public at large about the fact that the preparation of Aadhaar card involving the parting of biometric information of the individual, which shall however not be used for any purpose other than a social benefit schemes.

Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner:-

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;
4. The information about an individual obtained by the Unique



Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.

Ordered accordingly.

.....J.  
(J. Chelameswar)

.....J.  
(S.A. Bobde)

.....J.  
(C. Nagappan)

New Delhi  
August 11, 2015

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## List of Welfare Schemes

## A. Subsidy Schemes

1. LPG (PAHAL)
2. Kerosene
3. Fertilizers
4. Food (Public Distributing system)

## B. Name of the scheme

1. Aam Aadmi Bima Yojana (AABY) Claims
2. Artists Pension Scheme
3. BSR Doctoral Fellowship in Sciences
4. Conditional Cash Transfer Scheme for the Girl Child with Insurance Cover (Dhanalaskhmi)
5. Dhanalaskhi scheme
6. Dr D.S. Kothari post Doctoral Fellowship
7. Dr. S. Radhakrishnan post-doctoral Fellowship in Humanities & Social Sciences (including Languages)
8. Emeritus Fellowship
9. Fellowship schemes of UGC.
10. Fellowship schemes of AICTE.
11. FW Linked Health Insurance Plan
12. Grants to NABARD for Women's Self-Help Groups (SHGs) Development Fund

13. Housing Security for unorganized workers including Rashtriya Swasthaya Bima Yojana
14. Housing subsidy to Beedi Workers
15. Housing Subsidy to Iron/Manganese/Chrome Ore Workers
16. HRD (Training Programme/Fellowship/ Exposure Visit/ Upgradation of skills etc.)
17. Incentives to Sportspersons
18. Indira Awaas Yojana (IAY)
19. Indira Gandhi Matritva Sahyog Yojana (IGMSY)
20. Indira Gandhi National Disability Pension
21. Indira Gandhi National Old Age Pension
22. Indira Gandhi National Widow Pension
23. Integrated Watershed Management Programme (IWMP)
24. Integrated Child Protection Scheme (ICPS)
25. Internship for the self- Employment (WOSC)
26. Janani Suraksha Yojana (JSY)
27. Janashree Bima Yojana for Khadi Artisans & Scholarship under Shiksha Sahayog Yojana for maximum two children of the artisans
28. Khadi Industries Market Development Assistance (MDA) Khadi Karigar Janashree Bima Yojana
29. Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)
30. Maulana Azad National Fellowship.
31. Metric cum Means Scholarship Scheme
32. Metric Scholarship Scheme.

33. National Afforestation Programme ( National Mission for a Green India)
34. National Crop Insurance Programme (NCIP)
35. National means for incentive for the girl child for secondary education.
36. National Means cum Merit Scholarship
37. National Scheme for Welfare of Fishermen
38. National Scholarship Schemes
39. National Skill Certification and Monetary Reward Scheme
40. National Social Assistance Programme (NSAP)
41. National Social Security Fund for Unorganized Sector Workers
42. Payment of Stipend to Trainees under the Scheme of Skill Development in 34 Districts  
affected by Left Wing Extremism (LWE).
43. Pension to Meritorious Sportspersons
44. Post Doctoral-Fellowship for Women
45. Post Matric Scholarship for OBCs.
46. Post Matric scholarship for SC Students.
47. Post-matric Scholarship Scheme for ST students
48. Pradhan Mantri Jan Dhan Yojana (PMJDY)
49. Pre-Matric Scholarship for SC Students
50. Prime Minister's Employment Generation Programme (PMEGP)
51. Pre-Matric Scholarship for Children of those engaged in unclean occupations.
52. Project Tiger

53. Promotional services Institutions and programme (Trade Related Entrepreneurship Assistance and Development (TREAD) Scheme for Women)
54. Rajiv Gandhi national fellowship
55. Scholarship to the Children of beedi workers.
56. Scholarship to Universities/ college students.
57. Special cash awards (including Rajiv Gandhi Khel Ratna Award)
58. Special Scholarship Scheme for North Eastern Region (Ishan Uday Scheme)
59. Stipend to children in the special schools under the Child Labour project (NCLP)
60. Stipend to trainees under the scheme of welfare of SC/ST job seekers through Coaching, Guidance and Vocational Training.
61. Swachh Bharat Gramin (earlier known as Nirmal Bharat Abhiyan)
62. Top Class Education Scheme.
63. UGC National Eligibility Test –JRF
64. Upgradation of merit of SC Students.

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## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) &amp; ANR

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013

(With appln(s) for stay and office report)

W.P.(C) No. 829 of 2013

(With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.

Mr. Ankit Goel, Adv.

Mr. Ranvir Singh, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Ms. Deepshikha Bharati, Adv.

Mr. S.S. Shamschery, Adv.

Mr. Rajeev Kr. Singh, Adv.

Mr. Nachiketa Joshi, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.

Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Varun Singh, Adv.

Mr. Gaurav Nair, Adv.

for

M/s. K.J. John &amp; Co.

For Respondent(s)

Mr. Mohan Parasaran, SG

Mr. L. Nageshwar Rao, ASG

Mr. Farrukh Rasheed, Adv.

Mr. Alok Mishra, Adv.

Mr. D.S. Mahra, Adv

UPON hearing counsel the Court made the following  
O R D E R

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of petitioner no. 1 in T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013 are allowed in terms of the signed order.

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

(DEEPAK MANSUKHANI)

Court Master

(M.S. NEGI)

Court Master

(Signed order is placed on the file)

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SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 494/2012

JUSTICE K.S.PUTTASWAMY (RETD) &amp; ANR

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With appln(s) for stay, impleadment, clarification/modification of Court's order, intervention, directions, permission to file additional documents, permission to file additional additional affidavit and office report)  
(For Final Disposal)

WITH

T.C. (C) No. 151/2013

(With appln.(s) for impleadment as party respondent and appln.(s) for modification of court's order)

T.C. (C) No. 152/2013

W.P. (C) No. 829/2013

(With appln.(s) for impleadment and impleadment/directions and interim relief and office report)

W.P. (C) No. 833/2013

(With appln.(s) for directions and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for permission to file additional documents and Office Report)

W.P. (C) No. 932/2013

(With appln.(s) for directions and appln.(s) for interim directions and Office Report)

T.P. (C) No. 312/2014

(With Office Report)

T.P. (C) No. 313/2014

(With Office Report)

W.P. (C) No. 37/2015

(With appln.(s) for amendment of memo of parties and interim stay and permission to file additional documents and office report)

Signature Not Verified  
Digitally signed by  
Deepak Maheshwari  
Date: 2015.03.16  
11:43:21+05'30'

Date : 16/03/2015 These matters were called on for hearing today.



## CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR  
 HON'BLE MR. JUSTICE S.A. BOBDE  
 HON'BLE MR. JUSTICE C. NAGAPPAN

## For Petitioner(s)

Mr. Gopal Subramaniam, Sr. Adv.  
 Ms. Aishwarya Bhati, Adv.  
 Mr. Talha Abdul Rehman, Adv.  
 Ms. Neha Meena, Adv.  
 Ms. Anusha Ramesh, Adv.  
 Ms. Sadhana Saxena, Adv.

Mr. Shyam Divan, Sr. Adv.  
 Mr. Pratap Venugopal, Adv.  
 Ms. Surekha Raman, Adv.  
 Ms. Supriya Jain, Adv.  
 Mr. Gaurav Nair, Adv.  
 Ms. Niharika, Adv.

For M/s. K.J. John & Co.

Ms. Meenakshi Arora, Sr. Adv.  
 Mr. Rahul Narayan, Adv.  
 Mr. Mohit Singh, Adv.

Mr. Abhishek Atrey, Adv.

Ms. V. Mohana, Adv.  
 Mr. B. Raghunath, Adv.  
 Mr. Vijay Kumar, Adv.

Ms. Geeta Kovilam, Adv.  
 Mr. P.V. Kovilam, Adv.

Mr. Ankit Goel, Adv.  
 Mr. Sanjay Yadav, Adv.  
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For Respondent(s)  
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State of HP	Mr. J.S. Attri, Sr. Adv. Mr. Varinder Kumar Sharma, Adv. Mr. Sumeet Prakash, Adv.
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NCT of Delhi	Mr. J.M. Kalia, Adv.
State of Haryana	Mr. B.K. Satija, AAG
IA 5of. 2014 in	Mr. Sumit Attri, Adv.

	Mr. Gopal Sankaranarayanan, Adv.
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	Mr. Juhen George, Adv.
	Mr. Arjun Ranganathan, Adv.
	Mr. Nikhil Nayyar, Adv.
	Mr. Kamal Mohan Gupta, Adv.
	Ms. C. K. Sucharita, Adv.
	Mr. Mishra Saurabh, Adv.
	Mr. Garvesh Kabra, Adv.
	Mr. T. G. Narayanan Nair, Adv.
	Ms. Anitha Shenoy, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The matters require considerable time for hearing. Therefore, we direct the matters to be listed for hearing in the second week of July, 2015 after obtaining appropriate orders from Hon'ble the Chief Justice of India.

In the meanwhile, it is brought to our notice that in certain quarters, Aadhar identification is being insisted upon by the various authorities, we do not propose to go into the specific instances.

Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23<sup>rd</sup> September, 2013.

Pleadings be completed before the end of April, 2015.

All the parties are at liberty to file any further affidavit or documents, if they so wish.

(DEEPAK MANSUKHANI)  
COURT MASTER

(TAPAN KR. CHAKRABORTY)  
COURT MASTER

6 True copy

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).2524/2014

(From the judgement and order dated 26/02/2014 in CRLWP No.10/2014,  
of The HIGH COURT OF BOMBAY AT PANAJI)UNIQUE IDENTIFICATION AUTH.OF INDIA &ANR  
VERSUS

Petitioner(s)

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

(With appln. for exemption from filing c/c of the impugned Judgment  
and office report)

Date: 24/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr.Mohan Parasaran, SG  
Mr.Rakesh Khanna, ASG  
Mr. Zohen Hossain, Adv.  
Mr. Alok Mishra, Adv.  
Mr. D.S. Mahra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

Issue notice.

In addition to normal mode of service, dasti  
service, is permitted.Operation of the impugned order shall remain  
stayed.In the meanwhile, the present petitioner is  
restrained from transferring any biometric information  
of any person who has been allotted the Aadhaar number  
to any other agency without his consent in writing.

..2/-

:2:

More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities are directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith.

Tag and list the matter with main matter i.e. WP(C) No.494/2012.

[Usha Bhardwaj]  
A.R.-cum-P.S.

[M.S. Negi]  
Assistant Registrar

6 True copy?